IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 22ND AUGUST 2007 / 31ST SRAVANA 1929

Crl.MC.No. 2684 of 2007()

CC.67/2003 of ADDL. CHIEF JUDICIAL MAGISTRATE COURT, TRIVANDRUM

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CRIME NO.281/2002 OF MEDICAL COLLEGE POLICE STATION
Thiruvananthapuram

PETITIONER: 3RD ACCUSED

M.VENUGOPALAN NAIR, S/O. M.NARAYANA
PILLAI, TC NO.22/773, AMBADI ATTUKAL, MANACADU.

BY ADV. SRI.T.S.JOHN

RESPONDENTS: COMPLAINANT & STATE

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1. CIRCLE INSPECTOR OF POLICE,
MEDICAL COLLEGE POLICE STATION,
THIRUVANANTHAPURAM.

2. STATE OF KERALA, REPRESENTED BY
THE PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 22/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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Crl.M.C. No.2684 Of 2007

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Dated this the 22nd day of August, 2007

ORDER

Petitioner faces indictment in a prosecution for the offences punishable, under the Immoral Traffic (Prevention) Act. Cognizance has already been taken and the case has been registered On account of non-appearance of the petitioner(3rd accused), the learned Magistrate has issued coercive processes against the petitioner.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. The absence of the petitioner earlier was on account of reasons beyond his control. The petitioner is willing to surrender before the learned Magistrate and seek regular bail, but he apprehends that his application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. He hence prays that appropriate directions under Section 482 Cr.P.C may be issued in favour of the petitioner.

3. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not

consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

4. This application is, in these circumstances, dismissed, but with the specific observation that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself, unless there are compelling reasons.

Hand over a copy of this order to the learned counsel for the petitioner today itself.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE